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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

In re application of

Docket No: Q67008

RECEIVED

TAKENOUCHI, KAZUYA, et al.

MAY 07 2004

Appln. No. 10/035,211

Patent No. 6,689,766

OFFICE OF PETITIONS

Filed: June 4, 2001

Issued: February 10, 2004

Confirmation No.: 4554

For: VITAMIN D3 DERIVATIVE AND TREATING AGENT FOR INFLAMMATORY
RESPIRATORY DISEASE USING SAME

**PETITION TO ACCEPT UNINTENTIONALLY DELAYED CLAIM FOR BENEFIT OF
PRIORITY**

MAIL STOP PETITIONS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants submit a petition to accept the unintentionally delayed claim for benefit of priority in the above-identified patent to International Application No. PCT/JP99/05826, filed on October 22, 1999, in view of the following:

1. The entire delay between the date the claim for benefit of priority was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date that the claim was unintentional.
2. The reference required by 35 U.S.C. § 120 and paragraph 37 C.F.R. § 1.78(a)(2) to the prior filed application is submitted herewith.

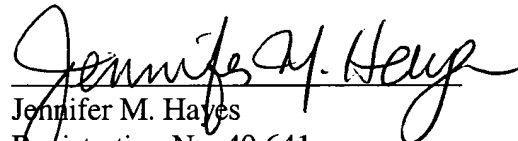
PETITION TO ACCEPT UNINTENTIONALLY
DELAYED CLAIM FOR BENEFIT OF PRIORITY
U.S. PATENT 6,689,766

ATTY DOCKET Q67008

3. A Request for Certificate of Correction and the required fee are submitted
herewith.

4. A check in the amount of \$1,330.00 for the required surcharge under 37 C.F.R. §
1.17(t) is enclosed.

Respectfully submitted,


Jennifer M. Hayes
Registration No. 40,641

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

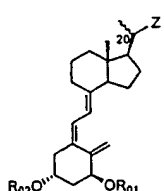
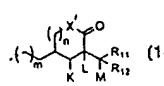
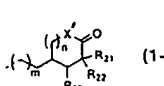
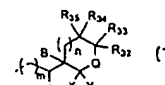
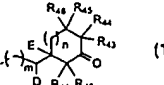
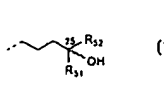
CUSTOMER NUMBER

Date: May 4, 2004



PCT

特許協力条約に基づいて公開された国際出願

<p>(51) 国際特許分類7 C07C 401/00, C07F 7/18, A61K 31/59, A61P 3/02, 3/14, 11/00</p>	<p>A1</p>	<p>(11) 国際公開番号 WO00/24712</p> <p>(43) 国際公開日 2000年5月4日(04.05.00)</p>
<p>(21) 国際出願番号 PCT/JP99/05826</p> <p>(22) 国際出願日 1999年10月22日(22.10.99)</p> <p>(30) 優先権データ 特願平10/302321 1998年10月23日(23.10.98) 特願平10/362827 1998年12月21日(21.12.98) 特願平10/365207 1998年12月22日(22.12.98) 特願平10/365208 1998年12月22日(22.12.98) 特願平10/365209 1998年12月22日(22.12.98)</p> <p>(71) 出願人 (米国を除くすべての指定国について) 帝人株式会社(TEIJIN LIMITED)[JP/JP] 〒541-0054 大阪府大阪市中央区南本町1丁目6番7号 Osaka, (JP)</p> <p>(72) 発明者 ; および (75) 発明者 / 出願人 (米国についてのみ) 竹之内一弥(TAKENOUCHI, Kazuya)[JP/JP] 高 清志(GAO, Qingzhi)[CN/JP] 真鍋健次(MANABE, Kenji)[JP/JP] 十川 亮(SOGAWA, Ryo)[JP/JP] 高野泰宏(TAKANO, Yasuhiro)[JP/JP]</p>	<p>石塚誠一(ISHIZUKA, Seiichi)[JP/JP] 〒191-0065 東京都日野市旭が丘4丁目3番2号 帝人株式会社 東京研究センター内 Tokyo, (JP)</p> <p>(74) 代理人 前田純博(MAEDA, Sumihiro) 〒100-0011 東京都千代田区内幸町2丁目1番1号 帝人株式会社 知的財産センター内 Tokyo, (JP)</p> <p>(81) 指定国 AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, 欧州特許 (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI特許 (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG), ARIPO特許 (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), ユーラシア特許 (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM)</p> <p>添付公開書類 国際調査報告書</p>	
<p>(54)Title: VITAMIN D₃ DERIVATIVES AND REMEDIES FOR INFLAMMATORY RESPIRATORY DISEASES CONTAINING THE SAME</p> <p>(54)発明の名称 ビタミンD₃誘導体およびそれを用いる炎症性呼吸器疾患治療剤</p> <div style="text-align: center;">  <p>(1)</p> </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>(1-1)</p> </div> <div style="text-align: center;">  <p>(1-2)</p> </div> </div> <div style="display: flex; justify-content: space-around;"> <div style="text-align: center;">  <p>(1-3)</p> </div> <div style="text-align: center;">  <p>(1-4)</p> </div> <div style="text-align: center;">  <p>(1-5)</p> </div> </div> <p>(57) Abstract Compounds represented by general formula (1), wherein R₀₁ and R₀₂ are each independently hydrogen or a hydroxyl-protecting group; and Z is a group represented by general formula (1-1), (1-2), (1-3), (1-4) or (1-5). These compounds are useful as active ingredients of the remedies for inflammatory respiratory diseases, malignant tumor, articular rheumatism, osteoporosis, true diabetes, hypertension, alopecia, acne, psoriasis, dermatitis, hypercalcemia, hypofunction of accessory thyroid, or metabolic disorder of cartilage.</p>		

In re: Kazuya TAKENOUCHI, et al
Patent No. 6,689,766
Filed: February 10, 2004
Atty Dkt: Q67008
ATTACHMENT A

Declaration and Power of Attorney for Patent Application

特許出願宣言書及び委任状

Japanese Language Declaration

日本語宣言書

下記の氏名の発明者として、私は以下の通り宣言します。

As a below named inventor, I hereby declare that:

私の住所、私書箱、国籍は下記の私の氏名の後に記載された通りです。

My residence, post office address and citizenship are as stated next to my name.

下記の名称の発明に関して請求範囲に記載され、特許出願している発明内容について、私が最初かつ唯一の発明者（下記の氏名が一つの場合）もしくは最初かつ共同発明者であると（下記の名称が複数の場合）信じています。

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

"VITAMIN D₃ DERIVATIVE AND TREATING

AGENT FOR INFLAMMATORY RESPIRATORY

DISEASE USING SAME"

上記発明の明細書（下記の欄でx印がついていない場合は、本書に添付）は、

the specification of which is attached hereto unless the following box is checked:

☐ __月__日に提出され、米国出願番号または特許協定条約国際出願番号を____とし、
（該当する場合）____に訂正されました。

☒ was filed on October 22, 1999
as United States Application Number or PCT
International Application Number
PCT/JP99/05826 and was amended on
____ (if applicable)

私は、特許請求範囲を含む上記訂正後の明細書を検討し、内容を理解していることをここに表明します。

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

私は、連邦規則法典第37編第1条56項に定義されたとおり、特許資格の有無について重要な情報を開示する義務があることを認めます。

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

Japanese Language Declaration

日本語宣言書

私は、米国法典第35編119条(a)-(d)項又は365条(b)項に基き下記の、米国外の国の少なくとも一カ国を指定している特許協力条約365(a)項に基き国際出願、又は外国での特許出願もしくは発明者証の出願についての外国優先権をここに主張するとともに、優先権を主張している、本出願の前に出願された特許または発明者証の外国出願を以下に、枠内をマークすることで、示しています。

I hereby claim foreign priority under Title 35, United States Code, § 119(a)-(d) or § 365 (b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application having a filing date before that of the application on which priority is claimed.

Prior foreign application(s)
外国での先行出願

Priority Not Claimed
優先権主張なし

10-302321 (Number) (番号)	Japan (Country) (国名)
10-362827 (Number) (番号)	Japan (Country) (国名)
10-365207 (Number) (番号)	Japan (Country) (国名)

23/October/1998 (Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/>
21/December/1998 (Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/>
22/December/1998 (Day/Month/Year Filed) (出願年月日)	<input type="checkbox"/>

私に、第35編米国法典119条(e)項に基いて下記の米国外の特許出願規定に記載された権利をここに主張いたします。

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.

(Application No.) (出願番号)	(Filing Date) (出願日)
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(Application No.) (出願番号)	(Filing Date) (出願日)
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私は、下記の米国法典第35編120条に基いて下記の米国外の特許出願に記載された権利、又は米国外を指定している特許協力条約365条(c)に基き権利をここに主張します。また、本出願の各請求範囲の内容が米国法典第35編112条第1項又は特許協力条約で規定された方法で先行する米国外の特許出願に開示されていない限り、その先行米国外出願書提出日以降で本出願書の日本国内または特許協力条約国際提出日までの期間中に入手された、連邦規則法典第37編1条56項で定義された特許資格の有無に関する重要な情報について開示義務があることを認識しています。

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s), or § 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application.

(Application No.) (出願番号)	(Filing Date) (出願日)
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(Status)(patented, pending, abandoned) (現況：特許許可済、保属中、放棄済)
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(Application No.) (出願番号)	(Filing Date) (出願日)
-----------------------------	------------------------

(Status)(patented, pending, abandoned) (現況：特許許可済、保属中、放棄済)
--

私は、私自身の知識に基づいて本宣言書中で私が行なう表明が真実であり、かつ私の入手した情報と私の信じることに基き表明が全て真実であると信じていること、さらに故意になされた虚偽の表明及びそれと同等の行為は米国法典第18編第1001条に基き、罰金または拘禁、もしくはその両方により処罰されること、そしてそのような故意による虚偽の表明を行なえば、出願した、又は既に許可された特許の有効性が失われることを認識し、よってここに上記のごとく宣誓を致します。

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Japanese Language Declaration

日本語宣言書

委任状： 私は下記の発明者として、本出願に関する一切の手続きを米特許商標局に対して遂行する弁理士または代理人として、下記の者を指名いたします。（弁理士、または代理人の氏名及び登録番号を明記のこと）

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith: (list name and registration number)

John H. Mion, Reg. No. 18,879; Thomas J. Macpeak, Reg. No. 19,292; Robert J. Seas, Jr., Reg. No. 21,092; Darryl Mexic, Reg. No. 23,063; Robert V. Sloan, Reg. No. 22,775; Peter D. Olexy, Reg. No. 24,513; J. Frank Osha, Reg. No. 24,625; Waddell A. Biggart, Reg. No. 24,861; Louis Gubinsky, Reg. No. 24,835; Neil B. Siegel, Reg. No. 25,200; David J. Cushing, Reg. No. 28,703; John R. Inge, Reg. No. 26,916; Joseph J. Ruch, Jr., Reg. No. 26,577; Sheldon I. Landsman, Reg. No. 25,430; Richard C. Turner, Reg. No. 29,710; Howard L. Bernstein, Reg. No. 25,665; Alan J. Kasper, Reg. No. 25,426; Kenneth J. Burchfiel, Reg. No. 31,333; Gordon Kit, Reg. No. 30,764; Susan J. Mack, Reg. No. 30,951; Frank L. Bernstein, Reg. No. 31,484; Mark Boland, Reg. No. 32,197; William H. Mandir, Reg. No. 32,156; Brian W. Hannon, Reg. No. 32,778; Abraham J. Rosner, Reg. No. 33,276; Bruce E. Kramer, Reg. No. 33,725; Paul F. Neils, Reg. No. 33,102; Brett S. Sylvester, Reg. No. 32,765; Robert M. Masters, Reg. No. 35,603; George F. Lehnigk, Reg. No. 36,359; John T. Callahan, Reg. No. 32,607 and Steven M. Gruskin, Reg. No. 36,818.

書類送付先

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SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W. Suite 800
Washington, D.C. 20037-3213

直接電話連絡先：（名前及び電話番号）

Direct Telephone Calls to:

(202)293-7060

唯一または第一発明者名	Full name of sole or first inventor Kazuya TAKENOUCHI
発明者の署名 日付	Inventor's signature <i>Kazuya Takenouchi</i> Date <i>March 9, 2001</i>
住所	Residence TOKYO, JAPAN
国籍	Citizenship Japanese
私書箱	Post Office Address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN
第二共同発明者	Full name of second joint inventor, if any Qingzhi GAO
第二共同発明者 日付	Second inventor's signature <i>Qingzhi Gao</i> Date <i>March 9, 2001</i>
住所	Residence TOKYO, JAPAN
国籍	Citizenship Chinese
私書箱	Post Office Address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN

（第三以降の共同発明者についても同様に記載し、署名をする
ること）

(Supply similar information and signature for third and
subsequent joint inventors.)

Japanese Language Declaration

日本語宣言書

第三の共同発明者の氏名 (該当する場合)		Full name of third joint inventor, if any Kenji MANABE
同第三発明者の署名	日付	Third inventor's signature <i>Kenji Manabe</i> Date <i>March 9, 2001</i>
住所		Residence TOKYO, JAPAN
国籍		Citizenship Japanese
郵便の宛先		Post office address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN
第四の共同発明者の氏名 (該当する場合)		Full name of fourth joint inventor, if any Ryo SOGAWA
同第四発明者の署名	日付	Fourth inventor's signature <i>+14</i> <i>ス</i> Date <i>March 9, 2001</i>
住所		Residence TOKYO, JAPAN
国籍		Citizenship Japanese
郵便の宛先		Post office address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN
第五の共同発明者の氏名 (該当する場合)		Full name of fifth joint inventor, if any Yasuhiro TAKANO
同第五発明者の署名	日付	Fifth inventor's signature <i>高野泰宏</i> Date <i>March 9, 2001</i>
住所		Residence TOKYO, JAPAN
国籍		Citizenship Japanese
郵便の宛先		Post office address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN
第六の共同発明者の氏名 (該当する場合)		Full name of sixth joint inventor, if any Seiichi ISHIZUKA
同第六発明者の署名	日付	Sixth inventor's signature <i>Seiichi Ishizuka</i> Date <i>March 9, 2001</i>
住所		Residence TOKYO, JAPAN
国籍		Citizenship Japanese
郵便の宛先		Post office address c/o Teijin Limited, Tokyo Research Center, 3-2, Asahigaoka 4-chome, Hino-shi, TOKYO, 191-0065 JAPAN

日本語宣言書

Number	Country	Day/Month/Year Filed	Priority Not Claimed
10-365208 10-365209	Japan Japan	22/December/1998 22/December/1998	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Additional provisional applications:

Application Number	Filing Date
(出願番号)	(出願日)

Additional U.S. applications:

Application Number	Filing Date	Status (patented, pending, abandoned)
(出願番号)	(出願日)	(現況：特許許可済、保属中、放棄済)